

**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re **Jermaine Elliott**

Debtor(s)

Case No. **23-10026/amc**

Chapter **13**

Motion to Avoid Judicial Lien on Real Estate

1. Debtor, Jermaine Elliott commenced this case on 1/06/23 by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.

2. This court has jurisdiction over this motion, filed pursuant to 11 U.S.C. Sec. 522(f) to avoid and cancel a judicial lien held by Mobile Modular Portable Storage on real property used as the debtor's residence, under 28 U.S.C. Sec. 1334.

3. On January 26, 2021 creditors recorded a judicial lien against the following debtor's residence at:

5414 Lancaster Avenue
Philadelphia, PA 19131

The said judicial lien is entered of record as follows:

Mobile Modular Portable Storage v. Jermaine Elliott

CCP No. 200203062, Philadelphia

Judgment entered in the amount of \$10,345.50

4. The debtor's interest in the property referred to in the preceding paragraph and encumbered by the lien is partially exempt under Bankruptcy law.

5. The total of the debtor's real estate exemption of \$27,900.00 plus the following liens equals \$107,908.48. This total does not exceed the value of debtor's house as stated on Schedule A in the amount of \$115,000.00 and there is a total amount of \$7,091.52 which is not avoidable.

a. Lakeview Loan Servicing, LLC mortgage - \$58,789.35

b. Citizens Bank mortgage - \$7,751.98

c. Secured creditor Mobile Modular Portable Storage judgment lien - \$10,345.50

d. City of Philadelphia/Water Revenue Bureau lien - \$3,121.65

6. The existence of Mobile Modular Portable Storage's lien on debtor's real property partially impairs exemptions to which the debtor would be entitled under 11 U.S.C. Sec. 522(b). As a result, \$3,253.98 of Mobile Modular Portable Storage lien is avoidable and \$7,091.52 is not avoidable.

WHEREFORE, debtor request that an order against Mobile Modular Portable Storage partially avoiding the judicial lien in the above-mentioned property, and for such additional or alternative relief as may be just and proper.

Date **4/14/2023**

Signature /s/ Bradley E. Allen, Esquire

Attorney for Debtor, Jermaine Elliott
Debtor

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Order to Avoid Judicial Lien on Real Estate

The motion of the above-named debtor, Jermaine Elliott, to avoid lien of the respondent, Mobile Modular Portable Storage is granted.

It is hereby ORDERED and DECREED that the judicial lien held by Mobile Modular Portable Storage, in and on debtor's residential real estate at 5414 Lancaster Avenue, Philadelphia, PA 19131 entered of record in the matter of Mobile Modular Portable Storage, CCP, Philadelphia, No. 200203062 is hereby partially avoided.

It is further ORDERED that unless debtor's bankruptcy case is dismissed, Mobile Modular Portable Storage's judgment lien is partially avoided in the amount of \$3,253.98.

Date _____

HONORABLE ASHELY M. CHAN
U.S. BANKRUPTCY JUDGE